



**THE CITY OF NEW YORK**  
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January 4, 2017

**BY ECF**

Honorable Cheryl L. Pollack  
United States Magistrate Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: Rodney Smith, et al. v. City of New York, et al.  
15-CV-03859 (PKC) (CLP)

Your Honor:

I am an Assistant Corporation Counsel in the Office of Zachary W. Carter, Corporation Counsel of the City of New York, and one of the attorneys assigned to represent Defendants City of New York, Joseph Ponte, and William Clemons in the above-referenced matter. Defendants, on behalf of both parties, respectfully request an adjournment of the upcoming settlement conference scheduled for January 12, 2017. This request is made with the consent of Plaintiffs' counsel, Robert Marinelli, Esq., who is also unavailable. The parties previously requested an adjournment of the settlement conference, which the Court granted on November 10, 2016.

The settlement conference concerns the allegations brought by 17 Plaintiffs that they were subjected to excessive force by correction officers on or about February 16, 2015, inside the Otis Bantum Correctional Center ("OBCC") on Rikers Island. Due to previously scheduled matters, including full-day week-long training, the undersigned will not be able to attend the conference as currently scheduled. Additionally, as Your Honor may recall from the parties' prior request to adjourn the settlement conference, the medical records of the 17 Plaintiffs in this case is quite voluminous and will require review of thousands of pages of documents. As this case was only recently transferred to the new counsel for Defendants, we have not had a chance to fully review those records and seek authority to settle this case. Accordingly, the parties do not believe a settlement conference at this time would be productive.

For the foregoing reasons, Defendants, on behalf of both parties, respectfully request that the Court adjourn the upcoming settlement conference to a date and time on or after February 23, 2017 that is convenient to the Court.

Defendants thank the Court for its consideration herein.

Respectfully submitted,



John L. Garcia  
*Assistant Corporation Counsel*

cc: Robert Marinelli, Esq. (by ECF)  
*Attorney for Plaintiffs*